

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.G.
05 OCT 17 PM 3:25

THOMAS M. COULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

LUTRICIA BARNETT BUCKLEY, as)
Administratrix of the Estate of DENVEY)
BUCKLEY, for the use and benefit of)
KATRINA and NICOLE BUCKLEY, as Next)
of Kin and Heirs at law of DENVEY)
BUCKLEY, deceased,)
Plaintiffs,) No. 03-2874-DP
v.) MAGISTRATE JUDGE TU PHAM
CITY OF MEMPHIS, THE CITY OF)
MEMPHIS POLICE DIVISION, OFFICER)
PHILLIP PENNY, OFFICER KURTIS)
SCHILK, OFFICER ROBERT G.)
TEBBETTS, individually and in their)
Representative Capacities as City of Memphis)
Police Division Officers.)
Defendants.)

ORDER DENYING JOINT MOTION TO STAY PROCEEDINGS

This cause came to be heard upon the application of the Defendants for a stay of proceedings pending approval of a tentative settlement agreement between the parties. The Plaintiff has responded, noting that the post-settlement has not yet been finalized between the parties and that Court approval of the settlement is required since the heirs at law of the Plaintiff's decedent are minors. The Plaintiff does not wish to delay the January 2006 trial date in this case. The Defendant Officers have withdrawn their Motion.

The Court finds that discovery has been completed and that permitting the case to move forward without a stay will not result in an undue burden or expense to any party. The Court will

not issue a stay of proceedings in this matter but will schedule a status conference so that the parties can advise the Court of the settlement status of the case, for _____.

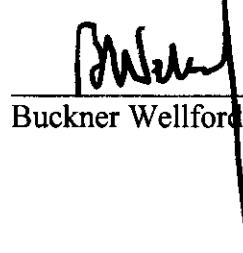
IT IS SO ORDERED.



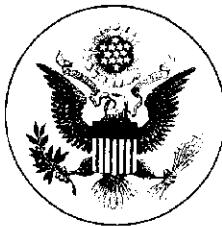
UNITED STATES DISTRICT JUDGE
Magistrate

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent via U.S. Mail, to Jean Markowitz, Attorney at Law, 100 N. Main, Suite 2400, Memphis, TN 38103, Thomas E. Hansom, 659 Freeman, Memphis, TN 38122, and to Mr. Robert Meyers, Attorney at Law, 3725 Champion Hills Dr., Suite 3000, Memphis, TN 38125, this the 6th day of October, 2005.



Buckner Wellford



Notice of Distribution

This notice confirms a copy of the document docketed as number 201 in case 2:03-CV-02874 was distributed by fax, mail, or direct printing on October 17, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT